



City of NORFOLK

C: Dir., Department of General Services

To the Honorable Council
City of Norfolk, Virginia

July 12, 2016

From: David S. Freeman, AICP
Director of General Services

Subject: Termination of Encroachment Agreement between the City of Norfolk and Monticello Arcade Limited Partnership and Christopher Corrie d/b/a Chartreuse Bistro

Reviewed: Sabrina Joy-Hogg
Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 2/6

Approved: Marcus D. Jones
Marcus D. Jones, City Manager

Item Number: **R-9**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Monticello Arcade Limited Partnership and Christopher Corrie
d/b/a Chartreuse Bistro
205 E. City Hall Avenue
Norfolk, VA

III. **Description:**

This agenda item is an ordinance to terminate the encroachment agreement between the City of Norfolk (the "city") and the Monticello Arcade Limited Partnership (the "Arcade") and Christopher Corrie d/b/a Chartreuse Bistro ("Chartreuse") to encroach into the right-of-way at 205 E. City Hall Avenue for the purpose of outdoor dining.

IV. **Analysis**

This encroachment agreement permitted Chartreuse to encroach into the right-of-way at 205 E. City Hall Avenue for the purpose of outdoor dining. The term of the proposed encroachment was five (5) years, commencing on September 1, 2013 and terminating on August 31, 2018. The original plan to construct an outdoor dining area was terminated due to design and installation difficulties, as such, no encroachment into the right of way took place. Chartreuse has had no previous delinquencies and requests termination of the encroachment agreement at this time.

V. Financial Impact

Chartreuse has paid in full for the encroachment up through the current year (09/01/2015-08/31/2016). The years of the encroachment to be terminated are reflected in the table below.

Term	Monthly Rent	Annual Rent
09/01/2016 – 08/31/2017	\$32.00	\$384.00
09/01/2017 – 08/31/2018	\$32.00	\$384.00

VI. Environmental

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Previous Encroachment Agreement

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT. General Services

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REVOKE THE PERMISSION GRANTED TO MONTICELLO ARCADE LIMITED PARTNERSHIP AND CHRISTOPHER CORRIE D/B/A CHARTREUSE BISTRO TO ENCROACH INTO THE RIGHT OF WAY AT 205 E. CITY HALL AVENUE FOR THE PURPOSE OF OUTDOOR DINING AND TO TERMINATE THE ENCROACHMENT AGREEMENT.

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WHEREAS, in accordance with Ordinance No. 45,228 adopted on August 27, 2013, and the Encroachment Agreement dated July 25, 2013, the City granted unto Christopher Corrie, d/b/a Chartreuse Bistro, ("Chartreuse"), with the consent of its landlord, Monticello Arcade Limited Partnership ("The Arcade"), the authority to encroach into the public right of way at 205 E. City Hall Avenue for the purpose of outdoor dining; and

WHEREAS, Chartreuse has advised the City that it no longer desires to offer outdoor dining that encroaches into the public right of way at 205 E. City Hall Avenue; and

WHEREAS, the City and Chartreuse have agreed that the previously allowed outdoor dining authority is to be revoked and the Encroachment Agreement is to be terminated; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the permission granted by Ordinance No. 45,228 to Chartreuse to encroach into the

right of way at 205 E. City Hall Avenue for the purpose of outdoor dining is hereby revoked and the Encroachment Agreement between the City, The Arcade and Chartreuse is hereby terminated.

Section 2:- That this ordinance shall be in effect from and after its adoption.